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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Luis Andres HERNANDEZ,** Defendant	)	Magistrate Docket No. '08 MJ 1915 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 19, 2008** within the Southern District of California, defendant, **Luis Andres HERNANDEZ,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF **JUNE, 2008.**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Luis Andres HERNANDEZ

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On June 19, 2008, Border Patrol Agent M. Aguilera was assigned patrol duties in the town of Jacumba, California. At approximately 2:00 p.m., Agent Aguilar was patrolling the area known as "Seven Gates." "Seven Gates" is located approximately 25 miles east of the Tecate, California Port of Entry and approximately 100 yards north of the United States/Mexico International Border.

Agent Aguilera detected fresh footprints that indicated a group of people had recently passed through this area. Agent Aguilera followed the footprints north. After following the footprints for approximately twenty five minutes, Agent Aguilera observed nine subjects concealed in heavy brush trying to avoid detection. Agent Aguilera approached the subjects and identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and nationality. Each of the subjects stated that they were citizens and nationals of Mexico. Agent Aguilera asked each subject if they possess any immigration documentation that would allow them to enter or remain in the United States legally. All nine subjects, including one later identified as the defendant **Luis Andres HERNANDEZ**, stated "no." At approximately 2:30 p.m., Agent Aguilera placed all nine subjects under arrest and transported them to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 6, 2007** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on June 21, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **June 19, 2008**, in violation of Title **8**, United States Code, Section **1326**.

Louisa S. Porter
United States Magistrate Judge

6/21/08 10:50 AM
Date/Time